

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7088

MARION EDWARD PEARSON, JR.,

Plaintiff - Appellant,

versus

THE CITY OF MORGANTON, NORTH CAROLINA, sued in their individual capacity; BURKE COUNTY DEPARTMENT OF SOCIAL SERVICES, POLICY OFFICIAL; JOHN S. SUTTLE, sued in both individual and official capacity; RONNIE HUDSON, sued in both individual and official capacity; KATHY ROBINSON, sued in both individual and official capacity; BRENDA BISSETTE, sued in both individual and official capacity; THE NEWS HERALD, sued in their individual capacity; PRINCE GEORGE COUNTY OFFICER JOHN DOE 1 AND 2; JOHN DOE, Social Worker 1 and 2; CHRISTIAN MCCLITOCK, sued in his individual capacity; GENE BAKER, sued in his individual capacity; ROBERT C. ERVIN, sued in his individual capacity; WAYNE CLONTZ, sued in his individual capacity; JOHN MCDEVITT, sued in both individual and official capacity; GARY DILLINGER, sued in both individual and official capacity; TALTON DARK, sued in both individual and official capacity; STEVE SCHOLEBERLE, sued in both individual and official capacity; B. J. HAMERICK, sued in both individual and official capacity; NORTH CAROLINA S.B.I. CRIME LAB; CLAUDE S. SITTON, Judge; PETER W. HAISTON, judge, sued as official; OLIVER L. NOBLE, Judge, sued as official; BECKY BRENDLE; JULIUS A. ROUSSEAU, JR., Judge, sued as official,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Graham C. Mullen, Chief District Judge. (CA-01-285-1-02-MU)

Submitted: November 19, 2002

Decided: December 16, 2002

Before WILLIAMS, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Marion Edward Pearson, Jr., Appellant Pro Se. E. Fitzgerald Parnell, III, POYNER & SPRUILL, Charlotte, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Marion Edward Pearson, Jr., appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2000) complaint. We have reviewed the record and find no reversible error. Accordingly, we affirm substantially on the reasoning of the district court. See Pearson v. City of Morganton, No. CA-01-285-1-02-MU (W.D.N.C. June 11, 2002).^{*} We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

^{*} We note that we lack jurisdiction over Pearson's claims relating to the issuance of a nontestimonial identification order ("NIO") under the Rooker-Feldman doctrine. See Dist. of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983); Rooker v. Fid. Trust Co., 263 U.S. 413 (1923); State v. Pearson, 566 S.E.2d 50, 55-61 (N.C. 2002) (finding sufficient evidence to support the issuance of the NIO), petition for cert. filed, (Oct. 16, 2002) (No. 02-7164).